

### **REMARKS**

This communication is in response to the Office Action mailed on February 1, 2008. Claims 1, 16, and 27 are currently amended, no claims are canceled, and no claims are currently added in this communication. As a result, claims 1-27 are now pending and subject to examination in this application.

#### **Interview Summary**

The Applicant would like to thank Examiner Roberts and her supervisor for the courtesies extended to its representative Mr. David D’Zurilla during a telephonic interview of May 19, 2008. Mr. D’Zurilla, Examiner Roberts, and her supervisor discussed the Pavlidis reference and the claimed subject matter. Examiner Roberts and her supervisor put forth the position of the Patent Office that when the system of Pavlidis changes from a grey scale channel to an RGB channel, this could occur in the middle of a frame, and that frame could then have both grey scale and RGB pixels therein.

Thereafter, in telephonic interviews between Mr. D’Zurilla and Examiner Roberts, Mr. D’Zurilla and Examiner Roberts agreed to the filing by Applicant of a supplemental response to the Office Action mailed on February 1, 2008.

#### **§103 Rejection of the Claims**

Claims 1-27 were rejected under 35 USC § 103(a) as being unpatentable over Pavlidis ET al.: Urban Surveillance Systems, 2001 (hereinafter “Pavlidis”) in view of Monroe et al., US-2003/0025599 (hereinafter “Monroe”). The Applicant respectfully traverses this rejection.

In a telephonic interview on May 19, 2008 between the Applicant’s representative Mr. David D’Zurilla, and Examiner Roberts and Examiner Roberts’ supervisor, the Patent Office put forth its contention that in the Pavlidis reference, when the system switches from the nighttime grey scale channel to the daytime RGB channel, such a transition could occur in the midst of a frame, and consequently that frame could have pixels in both grey scale and RGB.

The Applicant does not agree with the Patent Office’s interpretation of the Pavlidis reference. However, in order to advance the prosecution of this case, the Applicant has amended the claims to recite that a plurality of frames comprises a selected portion of a frame with pixels

in a first color distribution and another portion of the frame with pixels in a second color distribution. Support for this amendment can be found in the specification in at least ¶¶ [0010], [0011], [0014], [0045], and [0046]. The Applicant respectfully submits that this amendment differentiates the claimed subject matter from the Patent Office's interpretation of the Pavlidis reference. Specifically, the Patent Office contends that when the Pavlidis system switches from daytime to nighttime operation and vice versa, a single frame at the point of the switch can possibly have pixels in one color distribution (that is, grey scale) and also have pixels in another color distribution (that is, RGB). The Applicant respectfully requests the withdrawal of the rejection of the claims.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

May 28, 2008

By

  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28<sup>th</sup> day of May, 2008.

Name

Dawn M. Poole

Signature

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